

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case

19-CA-229797

Date Filed

10-19-2018

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Apple Bus Company

b. Tel. No. (816) 618-3310

c. Cell No. (269) 830-8176

f. Fax No. (816) 618-3303

g. e-Mail

h. Number of workers employed
approximately 120

d. Address (Street, city, state, and ZIP code)

230 E. Main Street

Cleveland, MO 64734

(work location: 34234 Industrial Street, Soldotna,
AK 99669)

e. Employer Representative

Stephanie Teters

i. Type of Establishment (factory, mine, wholesaler, etc.)

Public school bus contractor

j. Identify principal product or service

Pupil Transportation

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5)

of the National Labor Relations Act, and these unfair labor

practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six (6) months, the Company has failed to bargain in good faith with the Union by its failure to provide information that the Union requested necessary for negotiations during the course of contract negotiations. The Union (b) (6), (b) (7)(C) requested a copy of the video of the August, 2017 kick off meeting, but (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) would not provide it because (b) (6), (b) (7)(C) was present at that meeting. (b) (6), (b) (7)(C) also requested a copy of the video of the September safety meeting where the Company represented to the employees that it wasn't using seniority as the basis for charter bus assignments. This information requested is necessary for the Union to bargain for a new cba with Apple Bus Co. as well as insure compliance with applicable past practices of the predecessor employer.

3. Full name of party filing charge (If labor organization, give full name, including local name and number)

International Brotherhood of Teamsters, Local 959

4a. Address (Street and number, city, state, and ZIP code)

520 E. 34th Ave. Suite 102

Anchorage, Alaska 99503

4b. Tel. No. 907-751-8557

4c. Cell No. 907-575-6525

4d. Fax No. 907-751-8595

4e. e-Mail

jmarton@akteamsters.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

International Brotherhood of Teamsters, Local 959

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By


 (signature of representative or person making charge)

John Marton

(Print/type name and title or office, if any)

Tel. No.

907-751-8557

Office, if any, Cell No.

907-575-6525

Fax No.

907-751-8595

e-Mail

jmarton@akteamsters.com

Address 520 E. 34th Ave., Suite 102, Anchorage, AK 99503

10/19/2018

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



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October 24, 2018

Stephanie Teters
Apple Bus Company
230 E Main St
PO Box 155
Cleveland, MO 64734-9029

Re: Apple Bus Company
Case 19-CA-229797

Dear Ms. Teters:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DAVID SCHAFF whose telephone number is (907)205-3266. If this Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice

allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the

course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Julie Cisco, General Manager-Alaska
Apple Bus Company
34234 Industrial St
Soldotna, AK 99669-8325

Terrance Kilroy, Attorney
Polsinelli, PC
900 W. 48th Pl Ste 900
Kansas City, MO 64112-1899



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206) 220-6300
Fax: (206) 220-6305



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October 24, 2018

John Marton, Business Representative
International Brotherhood of Teamsters, Local 959
520 E 34th Ave, Ste 102
Anchorage, AK 99503-4164

Re: Apple Bus Company
Case 19-CA-229797

Dear Mr. Marton:

The charge that you filed in this case on October 24, 2018 has been docketed as case number 19-CA-229797. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney DAVID SCHAFF whose telephone number is (907)205-3266. If this Board agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Brotherhood of Teamsters Local 959

and

Apple Bus Co.

CASE 19-CA-229797

☒ REGIONAL DIRECTOR☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

International Brotherhood of Teamsters Local 959

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11042.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: John MartonMAILING ADDRESS: 520 E. 34th Avenue, Suite 102E-MAIL ADDRESS: jmarton@akteamsters.netOFFICE TELEPHONE NUMBER: 907-751-8557CELL PHONE NUMBER: 907-575-6525FAX: 907-751-8595SIGNATURE: _____
(Please sign in ink.)

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

AMENDED

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
19-CA-229797

Date Filed 10/19/18

Amended: 12/18/18

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Apple Bus Company

b. Tel. No. (816) 618-3310

c. Cell No. (269) 830-6178

f. Fax No. (816) 618-3303

g. e-Mail

h. Number of workers employed
approximately 120

d. Address (Street, city, state, and ZIP code)

230 E. Main Street

Cleveland, MO 64734

(work location: 34234 Industrial Street, Soldotna,
AK 99669)

e. Employer Representative

Stephanie Teters

i. Type of Establishment (factory, mine, wholesaler, etc.)

Public school bus contractor

j. Identify principal product or service

Pupil Transportation

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) (5)

of the National Labor Relations Act, and these unfair labor

practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six (6) months, the Company has failed to bargain in good faith with the Union by its failure to provide information that the Union requested necessary for negotiations during the course of contract negotiations. The Union (b) (6), (b) (7)(C) requested a copy of the video of the August, 2018 kick off meeting, but (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) would not provide it because (b) (6), (b) (7)(C) was present at that meeting. (b) (6), (b) (7)(C) also requested a copy of the video of the September safety meeting where the Company represented to the employees that it wasn't using seniority as the basis for charter bus assignments. This information requested is necessary for the Union to bargain for a new cba with Apple Bus Co. as well as insure compliance with applicable past practices of the predecessor employer.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
International Brotherhood of Teamsters, Local 959

4a. Address (Street and number, city, state, and ZIP code)

520 E. 34th Ave. Suite 102

Anchorage, Alaska 99503

4b. Tel. No. 907-751-8557

4c. Cell No. 907-575-6525

4d. Fax No. 907-751-8595

4e. e-Mail

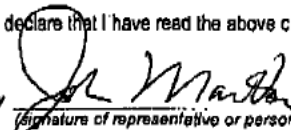
jmarton@akteamsters.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
International Brotherhood of Teamsters, Local 959

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



(signature of representative or person making charge)

John Marton

(Print/type name and title or office, if any)

Tel. No. 907-751-8557

Office, if any, Cell No.
907-575-6525

Fax No. 907-751-8595

e-Mail

jmarton@akteamsters.com

Address 520 E. 34th Ave., Suite 102, Anchorage, AK 99503

12/18/18
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
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Seattle, WA 98174-1006

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Fax: (206)220-6305



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December 19, 2018

STEPHANIE TETERS
APPLE BUS COMPANY
230 E MAIN ST
PO BOX 155
CLEVELAND, MO 64734-9029

Re: Apple Bus Company
Case 19-CA-229797

Dear Ms. Teters:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney DAVID SCHAFF whose telephone number is (907)205-3266. If the agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent. The Agency requests all evidence submitted electronically to be in the form it is

normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

ww

Enclosure: Copy of first amended charge

cc: JULIE CISCO, GENERAL MANAGER-
ALASKA
APPLE BUS COMPANY
34234 INDUSTRIAL ST
SOLDOTNA, AK 99669-8325

TERRANCE KILROY, ATTORNEY
POL SINELLI, PC
900 W. 48TH PL STE 900
KANSAS CITY, MO 64112-1899



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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December 19, 2018

JOHN MARTON, BUSINESS REP
TEAMSTERS LOCAL 959
520 E 34TH AVE, STE 102
ANCHORAGE, AK 99503-4164

Re: Apple Bus Company
Case 19-CA-229797

Dear Mr. Marton:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney DAVID SCHAFF whose telephone number is (907)205-3266. If the agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

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Very truly yours,

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

WW

Enclosure: Copy of first amended charge

cc: PATTY WARREN, COLLECTIVE
BARGAINING & ORG DIRECTOR
JOINT COUNCIL OF TEAMSTERS NO. 28
14675 INTERURBAN AVE S, STE 301
TUKWILA, WA 98168-4614